

## **CHAPTER 20.61**

### **AMATEUR RADIO AND SATELLITE DISH ANTENNAS**

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#### **20.61.010 Purpose**

- A. Preserve visual access to major natural features, such as the ocean and bay, and insure that all public and private development is compatible with the unique natural and manmade resources that give Newport Beach its charm and character.
- B. Provide the minimum practical regulation necessary to satisfy the aesthetic, health, safety and welfare concerns that have prompted these minimal restrictions on amateur radio antennas and satellite dish antennas.
- C. Reasonably accommodate amateur radio communications, to constitute the minimum regulation necessary to accomplish the purposes of this section, and to impose no unreasonable cost on the amateur radio operators.
- E. To minimize the impact of the regulations on the right of individuals to receive satellite delivered signals and constitute the least intrusive means available to the City to mitigate the potential adverse impacts on the safety and welfare of residents and the quality and aesthetics of the community.
- F. To avoid unreasonable limitation on the reception of satellite delivered signals or the transmission of such signals and excessive costs associated with processing applications for permits conditions imposed by those permits.

**20.61.015 Definitions**

- A. Amateur Radio Antennas. Any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.
- B. Antenna Structure. An antenna and its supporting mast or tower, if any.
- C. Mast. A pole of wood or metal, or a tower fabricated of metal, used to support an amateur radio antenna and maintain it at the proper elevation.
- D. Satellite Dish Antenna/Antenna. Any parabolic and/or disk shaped antenna of either solid or mesh construction, intended for the purposes of receiving communications from an orbiting satellite transceiving or transmitting signals or communications to a satellite, as well as all supporting equipment necessary to install or mount the antenna.
- D. Whip Antenna. An antenna consisting of a single, slender, rod-like element, less than 1 wave length long, which is supported only at or near its base.

**20.61.020 Permit Required**

Amateur radio antennas, structures and masts and satellite dish antennas that comply with the development standards specified in this chapter are permitted as an accessory use in all zoning districts subject to issuance of any other appropriate permit. Amateur radio antennas, structures and masts and satellite dish antennas which do not comply with the development standards specified in this chapter shall be permitted subject to first securing an antenna permit, and any other appropriate permits.

**20.61.025 Development Standards**

- A. Amateur Radio Antennas:
  - 1. Lowering Device. All amateur radio antennas, capable of a maximum extended height in excess of 40 feet, with the exception of whip antennas, shall be equipped with a motorized device and mechanical device, each capable of lowering the antenna to the maximum permitted height when not in operation.

2. Permitted Height.

- a. The height of an antenna shall be measured from natural grade at the point the mast touches, or if extended would touch, the ground.
- b. When in operation, no part of any amateur radio antenna shall extend to a height of more than 75 feet above natural grade of the site on which the antenna is installed.
- c. When not in operation, no part of any amateur radio antenna, excepting whip antennas, shall extend to a height of more than 28 feet measured above grade of the site on which the antenna is installed.

3. Number Permitted. One amateur radio antenna structure and one whip antenna shall be permitted on each site.

4. Siting/Setbacks. The antenna structure shall be located on site in a manner which will minimize the extent to which the structure is visible to nearby residents and members of the general public. Antenna structures shall be considered to satisfy this criteria if:

- a. No portion of the antenna structure or mast is located within any required setback area; and
- b. No portion of the antenna structure or mast is within the front 40 percent of that portion of the site that abuts a street; and
- c. In the event a site abuts two or more streets, the mast is not located within the front 40 percent of that portion of the site where primary access is provided to the property.

B. Satellite Dish Antennas:

- 1. Setbacks. No portion of any satellite dish antenna shall be located in any required setback area provided, however, satellite dish antennas which do not exceed 6 feet in height may be located in any required side yard setback behind the front yard setback and in any rear yard setback where the rear yard setback is not adjacent to an alley.
- 2. Number. No more than 1 satellite dish antenna shall be permitted on a site.
- 3. Color. All satellite dish antennas not screened shall be painted in a manner compatible with the structures on the site.

4. Sign. No sign of any kind shall be posted or displayed on any satellite dish antenna.
5. Ground Mounted Satellite Dish Antennas.
  - a. Size. The diameter of a ground mounted dish antenna shall not exceed 10 feet.
  - b. Height. Except as provided in Subsection B-1, above, the height of any portion of a ground mounted dish antenna shall not exceed 15 feet.
  - c. Location. In all residential zones a ground mounted dish antenna shall be located on the rear one-half of the site, provided, however, if a site borders a public street and any waterway, beach, bluff, or park, the satellite dish antenna shall be located in the middle one-third (1/3) of the lot measured from the property line adjacent to the public street to the rear property line, mean high tide line, actual high tide line, or bulkhead line, whichever is closest to the property line adjacent to the public street.
  - d. Other Requirements. Ground mounted dish antennas shall not reduce area required, by provisions of this code, for parking, internal circulation, landscaping or other development standard criteria.
6. Roof Mounted Antennas.
  - a. Size. The diameter of any roof mounted satellite dish antenna shall not exceed 10 feet.
  - b. Height. Roof mounted antennas shall not:
    - (1) If installed on a flat roof the antenna shall not exceed the height limit for the district;
    - (2) If installed on a sloping roof the antenna shall not exceed the height limit for the district applicable to sloping roofs and the highest point of the antenna shall not exceed the maximum height of the permitted ridge line.
    - (3) Location. Roof mounted dish antennas shall be mounted on the rear one-half of the site or the rear one-half of the building furthest from the primary access to the site, whichever is furthest from the front property line, provided, however, if a

site borders a public street and any waterway, beach, bluff, or park, the satellite dish antenna shall be located in the middle one-third (1/3) of the lot measured from the property line adjacent to the public street to the rear property line, mean high tide line, actual high tide line, or bulkhead line, whichever is closest to the property line adjacent to the public street. In the case of a sloping roof, the antenna shall be mounted on the lower two-thirds (2/3) of the roof plane to which it is attached.

- (4) Wiring. All electrical and antenna wiring shall be placed underground or otherwise screened from view.
- (5) Permanent Mounting. For a land based installation, all dish antennas shall be permanently mounted and no antenna may be installed on a portable or movable structure.

#### **20.61.030 Application for Permit**

The development standards in Section 20.61.025 may be waived or modified by the Planning Director upon application for an antenna permit. The application shall be on a form supplied by the Planning Department and shall be accompanied by the following information, maps and plans:

- A. Site plans drawn to scale and dimensioned, showing the proposed location of the antenna in relation to property lines, setbacks, and any structures on the site.
- B. Manufacturer's specifications of the antenna structure.
- C. Specific details of any equipment associated with the installation of the antenna such as footings, guide wires and braces, including roof top mounts, if applicable.
- D. For satellite dish antennas, details of attaching or fixing the antenna to the roof, if applicable.
- E. Elevations drawn to scale and dimensioned so as to fully describe the proposed structure and any proposed screen.
- F. Written consent of the property owner.
- G. Statement of the reasons why strict conformance with the development standards specified in Section 20.61.025 will:
  - 1. Unreasonably limit, or prevent, reception or transmission of signals;

2. Result in excessive expense in light of the cost of purchase and installation of antenna; or
3. Be necessary to achieve the goals and objectives specified in this chapter.

**20.61.035 Issuance of Permit**

- A. The Planning Director shall issue a permit for any amateur radio antenna, structure or mast, or satellite dish antenna if strict compliance with the provisions of Section 20.61.025:
  1. Will result in unreasonable limitations on, or prevent, reception or transmission of signals;
  2. The cost of strict compliance with the development standards would be excessive in light of the purchase and installation costs of the antenna; or
  3. Is not necessary to achieve the objectives of this chapter.
- B. In the event the applicant demonstrates that strict compliance would unreasonably restrict or prevent reception or transmission of signals, or result in excessive costs, the Planning Director shall issue the permit subject to any conditions necessary or appropriate to minimize the impact of the installation of the antenna, provided the conditions do not unreasonably prevent or limit transmission or reception of signals will result in excessive costs.

**20.61.040 Rights of Appeal**

- A. Appeals. Decisions of the Planning Director may be appealed to the Planning Commission and decisions of the Planning Commission may be appealed to the City Council.
- B. Procedures. Procedures for appeals shall be as prescribed by Chapter 20.95: Appeals.

**20.61.045 Fees**

No person shall be charged a fee for applying for an antenna permit. Reasonable fees for an appeal to the Planning Commission or City Council shall be established by resolution of the City Council.

**20.61.050 Notice**

- A. Whenever notice is required pursuant to the provisions of this chapter, notice shall be deemed given when a decision is announced at the hearing on any appeal or when written notice of the decision or intent to appeal is deposited in the United States mail, first class, postage prepaid, and, in the case of an applicant, addressed as specified on the application for permit.
- B. Notice of an application for a building or other permit necessary to construct a new, or modify an existing, amateur radio antenna, structure or mast, or a satellite dish antenna shall be given to all owners of real property (as shown on the latest equalized assessment roll) located within 100 feet of the parcel on which the proposed antenna, structure or mast is to be located and notice shall also be given to affected homeowner's association registered with the City.

**20.61.055 Nonconforming Antennas**

- A. Amateur Radio Antennas. Amateur radio antennas, antenna structures, and masts in existence prior to April 27, 1988 may continue to be used without complying with the provisions of this chapter except as herein provided and shall be considered a legal nonconforming use. Amateur radio antennas, antenna structures, and masts that are a legal nonconforming use shall comply with the provisions of Section 20.61.025 (Permitted Height) to the extent that they are capable of doing so without modifications. Amateur radio antennas, antenna structures and masts may be enlarged, expanded or relocated only if brought into compliance with the provisions of this chapter, unless the expansion, enlargement or relocation is necessary to permit reasonable use of the amateur radio equipment served by the antenna and, in such event, an antenna permit shall be obtained before any expansion, enlargement or relocation.
- B. Satellite Dish Antennas. Satellite dish antennas in existence prior to July 26, 1989 shall be considered legal and nonconforming. Nonconforming satellite dish antennas may be enlarged, expanded or relocated only if the satellite dish antennas are brought into compliance with the provisions of this code, unless the expansion, enlargement or relocation is necessary to permit reasonable use of the satellite dish antennas and, in such event, an antenna permit shall be obtained prior to any such expansion, enlargement or relocation.